

EXHIBIT 2

**REDACTED VERSION OF
DOCUMENT PROPOSED TO BE
FILED UNDER SEAL**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

)
THE ICON AT PANORAMA, LLC,)
)
Plaintiff,)
)
vs.)No. 2:19-cv-00181 CBM (MRWx)
)
SOUTHWEST REGIONAL COUNCIL OF)
CARPENTERS, et al.,)
)
Defendants.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF
ERAN FIELDS
Monday, October 16, 2023
Volume I

Reported by:
ALEXIS KAGAY
CSR No. 13795
Job No. 6150583
PAGES 1 - 184

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| <p>1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 4 _____ 5) 6 THE ICON AT PANORAMA, LLC,) 7) 8 Plaintiff,) 9 vs.)No. 2:19-cv-00181 CBM (MRWx) 10) 11 SOUTHWEST REGIONAL COUNCIL OF) 12 CARPENTERS, et al.,) 13) 14 Defendants.) 15 _____) 16 17 Remote Videotaped deposition of ERAN FIELDS, 18 Volume I, taken on behalf of Defendants, with all 19 participants appearing remotely, beginning at 9:28 a.m. 20 and ending at 2:55 p.m. on Monday, October 16, 2023, 21 before ALEXIS KAGAY, Certified Shorthand Reporter 22 No. 13795. 23 24 25</p> | <p>1 APPEARANCES (Continued): 2 3 For Laborers' International Union of North America, 4 Local 300, Sergio Rascon, Ernesto Pantoja, Angel Olvera 5 Smith Engineering & Management: 6 REICH ADELL & CVITAN 7 BY: AARON LAWRENCE 8 Attorney at Law 9 330 North Brand Boulevard 10 Suite 250 11 Glendale, California 91203 12 Aaronl@rac-law.com 13 14 For SWAPE, LLC: 15 TYSON & MENDES, LLP 16 BY: MITCHELL B. MALACHOWSKI 17 Attorney at Law 18 4695 MacArthur Court 19 11th Floor 20 Newport Beach, California 92660 21 Mmalachowski@tysonmendes.com 22 23 24 25</p> |
| Page 2 | Page 4 |
| <p>1 APPEARANCES (via Zoom Videoconference): 2 3 For Defendants Southwest Regional Council of 4 Carpenters, Pete Rodriguez, Ron Diamant, Alexis Olbrei 5 and Daniel Langford: 6 WILLIAMS & CONNOLLY, LLP 7 BY: EDWARD C. REDDINGTON 8 BY: DANIELLE BARONDESS 9 BY: WILLIAM FERRARO 10 Attorneys at Law 11 680 Maine Avenue 12 Washington, DC 20024 13 292.434.50000 14 EReddington@wc.com 15 DBarondess@wc.com 16 17 18 19 20 21 22 23 24 25</p> | <p>1 APPEARANCES (Continued): 2 3 For Plaintiff: 4 MORRISON & FOERSTER, LLP 5 BY: HENRY HUTTINGER 6 BY: RACHEL FELDMAN 7 Attorneys at Law 8 707 Wilshire Boulevard 9 60th Floor 10 Los Angeles, California 90017 11 HHuttinger@mofo.com 12 RFeldman@mofo.com 13 14 Also Present: 15 MATTHEW LAWRENCE (VERITEXT CONCIERGE) 16 17 Videographer: 18 SEAN GRANT 19 20 21 22 23 24 25</p> |
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|----|---|-------------|----|--|
| 1 | INDEX | | 1 | Monday, October 16, 2023 |
| 2 | WITNESS | EXAMINATION | 2 | 9:28 a.m. |
| 3 | ERAN FIELDS | | 3 | |
| 4 | Volume I | | 4 | THE VIDEOGRAPHER: Good morning. We're going |
| 5 | | | 5 | on the record. The time is 9:28 a.m., and the date is 09:28:16 |
| 6 | BY MR. REDDINGTON | 11 | 6 | October 16, 2023. |
| 7 | | | 7 | Please note that this deposition is being |
| 8 | | | 8 | conducted virtually. Quality of the recording depends |
| 9 | EXHIBITS | | 9 | on the quality of the camera and Internet connection of |
| 10 | NUMBER DESCRIPTION PAGE | | 10 | participants. What is seen from the witness and heard 09:28:31 |
| 11 | Exhibit 765 Excel Spreadsheet 108 | | 11 | onscreen is what will be recorded. |
| 12 | | | 12 | Audio and video recording will continue to |
| 13 | Exhibit 766 Email Chain Bates-stamped 130 | | 13 | take place unless all parties agree to go off the |
| 14 | ICON0075311 | | 14 | record. |
| 15 | | | 15 | This is media unit number 1 of the 09:28:41 |
| 16 | Exhibit 767 Email Chain Bates-stamped 132 | | 16 | video-recorded deposition of The Icon at Panorama, LLC, |
| 17 | ICON0075320 | | 17 | pursuant to Rule 30(b)(6) Eran Fields, taken by counsel |
| 18 | | | 18 | for defendant in the matter of The Icon at Panorama, |
| 19 | Exhibit 768 Text Messages Bates-stamped 140 | | 19 | LLC, versus Southwest Regional Council of Carpenters, |
| 20 | ICON0008607 | | 20 | et al., filed in the United States District Court, 09:29:01 |
| 21 | | | 21 | Central District of California, case number |
| 22 | Exhibit 769 Text Messages Bates-stamped 142 | | 22 | 2:19-cv-00181 CBM, and it is being conducted remotely |
| 23 | ICON0014593 | | 23 | using virtual technology. |
| 24 | | | 24 | My name is Sean Grant from the firm Veritext. |
| 25 | Exhibit 770 Email Chain Bates-stamped 149 | | 25 | I'm the videographer. The court reporter is Alexis 09:29:18 |
| | | Page 6 | | Page 8 |
| 1 | ICON0074454 | | 1 | Kagay also from Veritext I am not related to any |
| 2 | | | 2 | party in this action, nor am I financially interested |
| 3 | Exhibit 771 Defendants' Notice of Deposition 167 | | 3 | in the outcome |
| 4 | of Plaintiff the Icon at | | 4 | If there are any objections to proceeding, |
| 5 | Panorama, LLC | | 5 | please state them at the time of your appearance 09:29:30 |
| 6 | | | 6 | Counsel present, including remotely, will now |
| 7 | Exhibit 772 Plaintiff's Amended Privilege Log 168 | | 7 | state their appearances and affiliations for the |
| 8 | | | 8 | record, beginning with the noticing attorney, |
| 9 | | | 9 | Mr Reddington |
| 10 | | | 10 | MR REDDINGTON: Good morning Good afternoon 09:29:41 |
| 11 | | | 11 | my time This is Ed Reddington from Williams & |
| 12 | PREVIOUSLY MARKED EXHIBITS | | 12 | Connolly With me is Will Ferraro And we represent |
| 13 | NUMBER PAGE | | 13 | the Carpenters defendants |
| 14 | Exhibit 670 38 | | 14 | MR LAWRENCE: Good morning Aaron Lawrence |
| 15 | Exhibit 672 126 | | 15 | appearing on behalf of Laborers' International Union of 09:29:57 |
| 16 | | | 16 | North America Local 300, Sergio Rascon, Angel Olvera |
| 17 | | | 17 | and Ernesto Pantoja and Smith Engineering & Management |
| 18 | | | 18 | THE VIDEOGRAPHER: Mr Huttinger? |
| 19 | | | 19 | MR HUTTINGER: Henry Huttinger of Morrison & |
| 20 | | | 20 | Foerster, LLP, for the plaintiff and the witness 09:30:19 |
| 21 | | | 21 | THE VIDEOGRAPHER: Mr Ferraro? |
| 22 | | | 22 | MR REDDINGTON: So I -- I already got |
| 23 | | | 23 | Mr Ferraro on the record, but I think you need |
| 24 | | | 24 | Mitchell yet |
| 25 | | | 25 | MR MALACHOWSKI: Yep This is 09:30:31 |
| | | Page 7 | | Page 9 |

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| <p>1 and what we felt at that time we can afford to commit</p> <p>2 to and trying to find a way to make that work.</p> <p>3 MR. REDDINGTON: All right. Thank you.</p> <p>4 I think this would be a good time to take a</p> <p>5 break. 11:09:37</p> <p>6 THE WITNESS: Okay. Is this a lunch break</p> <p>7 or -- oh, no, not yet.</p> <p>8 MR. REDDINGTON: We can go off the record.</p> <p>9 THE VIDEOGRAPHER: Off the record. The time</p> <p>10 is 11:09 a.m. 11:09:43</p> <p>11 (Recess.)</p> <p>12 THE VIDEOGRAPHER: Back on the record. The</p> <p>13 time is 11:25 a.m.</p> <p>14 BY MR. REDDINGTON:</p> <p>15 Q All right. Mr. Fields, when we -- we broke, 11:25:31</p> <p>16 we were having a conversation about the December 2018</p> <p>17 Memorandum of Understanding.</p> <p>18 You did not draft that December 2018</p> <p>19 Memorandum of Understanding; correct?</p> <p>20 A That's -- 11:25:49</p> <p>21 MS. FELDMAN: Objection; vague and ambiguous.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: That's correct.</p> <p>24 BY MR. REDDINGTON:</p> <p>25 Q And no one from Icon drafted that Memorandum 11:25:55</p> <p style="text-align: right;">Page 74</p> | <p>1 can answer it.</p> <p>2 MS. FELDMAN: I know you're trying to be easy</p> <p>3 on him.</p> <p>4 THE WITNESS: I think I can answer it.</p> <p>5 Not -- not necessarily a formal budget, no. 11:27:34</p> <p>6 BY MR. REDDINGTON:</p> <p>7 Q And what about today? Does Icon have a budget</p> <p>8 for operations today?</p> <p>9 A No.</p> <p>10 Q Okay. 11:27:44</p> <p>11 A Can I ask you a follow-up question on that?</p> <p>12 Q Sure. Go ahead.</p> <p>13 A When you say "budget," again, you mean just as</p> <p>14 a corporate entity versus on a project? Is that</p> <p>15 what -- 11:28:10</p> <p>16 Q Well, yeah, I guess. Are -- are you drawing a</p> <p>17 distinction between -- at some point, I'm sure, Icon</p> <p>18 would have a construction budget for a project that it</p> <p>19 was building. Is that what you're -- is that what</p> <p>20 you're -- why you're saying -- asking that? 11:28:24</p> <p>21 A Yeah, no, but we also have a general sense of</p> <p>22 what would cause us to entitle a project before and</p> <p>23 then, of course, building permits and then so on. So</p> <p>24 there -- there's always a sense -- we can always get</p> <p>25 a -- an under- -- we -- we always have an understanding 11:28:43</p> <p style="text-align: right;">Page 76</p> |
| <p>1 of Understanding; correct?</p> <p>2 A That's correct.</p> <p>3 Q Were you acting as a lawyer for Icon when you</p> <p>4 were engaging with the unions about the Icon project?</p> <p>5 A I was representing Icon as an attorney, a 11:26:08</p> <p>6 transactional attorney, and it relates to these type of</p> <p>7 documents.</p> <p>8 Q Okay. And I want to move to another topic</p> <p>9 for -- for the 30 minutes we're going to try to cover</p> <p>10 before lunch. 11:26:36</p> <p>11 Did Icon have a budget in 2016?</p> <p>12 A So just define budget, meaning budget for the</p> <p>13 project or budget, like, an actual budget for</p> <p>14 operations of the company itself?</p> <p>15 Q Yeah, I think the latter. So -- so a -- a 11:27:01</p> <p>16 budget for operations of the company.</p> <p>17 A No.</p> <p>18 Q And did it have a budget at -- for the</p> <p>19 operations of the company at any time in 2017, '18 or</p> <p>20 2019? 11:27:20</p> <p>21 MS. FELDMAN: Objection; compound.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: General --</p> <p>24 BY MR. REDDINGTON:</p> <p>25 Q I'll break it up. Well, actually, I think you 11:27:23</p> <p style="text-align: right;">Page 75</p> | <p>1 of.</p> <p>2 And I think your colleague asked me -- went</p> <p>3 through thoroughly over certain budgets that we put</p> <p>4 together for the project itself.</p> <p>5 But it's not as if we just floated around with 11:28:53</p> <p>6 no idea of monies and what it cost to do things, I</p> <p>7 guess, is another way of saying it.</p> <p>8 Q Yeah. And -- and I'm not asking right now</p> <p>9 about construction budgets or pre-construction budgets.</p> <p>10 I'm trying to get an understanding of whether Icon, as 11:29:09</p> <p>11 an entity, like some businesses do, has its own</p> <p>12 internal budget for operations.</p> <p>13 MS. FELDMAN: Sorry, is it Icon or Icon at</p> <p>14 Panorama?</p> <p>15 MR. REDDINGTON: Well, I -- we defined -- 11:29:25</p> <p>16 THE WITNESS: At Panorama.</p> <p>17 MR. REDDINGTON: -- Icon up front as Icon</p> <p>18 at --</p> <p>19 MS. FELDMAN: Okay.</p> <p>20 MR. REDDINGTON: -- Panorama; right? 11:29:30</p> <p>21 THE WITNESS: Right.</p> <p>22 No, not a formal budget necessarily.</p> <p>23 BY MR. REDDINGTON:</p> <p>24 Q Does The Icon Company, the manager of Icon,</p> <p>25 does it have a budget? 11:29:43</p> <p style="text-align: right;">Page 77</p> |

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[illegible]

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|---|--|
| <p>1 second page of the screen text?</p> <p>2 A Yes.</p> <p>3 Q And it -- it appears that you were writing</p> <p>4 something there, but it's cut off.</p> <p>5 A Correct. 01:58:36</p> <p>6 Q So something came after that?</p> <p>7 A Yes. And -- so this seems like it was a</p> <p>8 screenshot and there was something after that.</p> <p>9 Q Right. And my question is, where is what</p> <p>10 comes after that? 01:58:53</p> <p>11 MS. FELDMAN: Assuming facts not in evidence.</p> <p>12 THE WITNESS: I think that we provided that.</p> <p>13 So I don't know why that's not in here. The -- the</p> <p>14 completion of that bubble, anyway. So...</p> <p>15 BY MR. REDDINGTON: 01:59:17</p> <p>16 Q Did you just take two -- a couple of</p> <p>17 screenshots of your texts and -- and give them to your</p> <p>18 lawyers to -- to draft the Complaint?</p> <p>19 A It sounds like -- it seems like that's what it</p> <p>20 was, so -- but I'm certain that there's the extension 01:59:27</p> <p>21 of this bottom piece.</p> <p>22 Q And could there be dialogue between you and</p> <p>23 Mr. Diamant below this -- this passage that's at the</p> <p>24 bottom of page 2 here?</p> <p>25 MS. FELDMAN: Objection to the extent it calls 01:59:59 Page 146</p> | <p>1 were more, I would send another -- I would have sent</p> <p>2 another page, but I'm just surprised that it's not</p> <p>3 showing the full text.</p> <p>4 MS. FELDMAN: Could we go off the record real</p> <p>5 quick? I think Ed is -- is having some technical 02:01:56</p> <p>6 difficulties.</p> <p>7 MS. BARONDESS: Sure. Sure thing.</p> <p>8 MR. REDDINGTON: Okay. I -- I'm back. You</p> <p>9 were -- you locked up at some point there. I -- I</p> <p>10 don't know if it locked up for everybody or just me. 02:02:07</p> <p>11 THE WITNESS: I think just you.</p> <p>12 MR. REDDINGTON: Okay. And -- and did Alexis</p> <p>13 get your answer that you were giving as I got locked</p> <p>14 up?</p> <p>15 THE WITNESS: Do you want to know what the 02:02:25</p> <p>16 answer is?</p> <p>17 MR. REDDINGTON: Sure. Go ahead.</p> <p>18 THE WITNESS: It doesn't matter. It</p> <p>19 doesn't -- none of this matters; right?</p> <p>20 MR. REDDINGTON: Well, as long as it's on the 02:02:30</p> <p>21 record, I guess -- I guess it's fine.</p> <p>22 THE WITNESS: It's on the record. How's that?</p> <p>23 MR. REDDINGTON: Okay.</p> <p>24 THE WITNESS: Okay.</p> <p>25 MR. REDDINGTON: All right. Let me ask you 02:02:37 Page 148</p> |
| <p>1 for a hypothetical.</p> <p>2 THE WITNESS: So I think at the bottom -- is</p> <p>3 the bottom the first or the top the first?</p> <p>4 Sorry, I just -- I'm trying to think that</p> <p>5 maybe the -- (as read): 02:00:04</p> <p>6 "I'm just making suggestions..."</p> <p>7 Let me just see the top. Hold on. Let me</p> <p>8 just see where it starts.</p> <p>9 (Reading to self.)</p> <p>10 Okay. So I don't know where the remaining 02:00:33</p> <p>11 piece of this is.</p> <p>12 Q Okay. There could be texts after this or</p> <p>13 texts before this that aren't captured on this</p> <p>14 particular document?</p> <p>15 A I don't know that. It's -- what I can tell 02:00:44</p> <p>16 you, it seems as if my response is -- is the end of it</p> <p>17 all, but it's cut off.</p> <p>18 So once you get -- "to work together that</p> <p>19 would be great. If we can't, then it won't." And then</p> <p>20 I don't know why it's not showing the rest. 02:01:06</p> <p>21 And I thought that I sent the full text</p> <p>22 response, but I don't know. This is from a long time</p> <p>23 ago, so...</p> <p>24 I guess I'm saying I don't know if I can</p> <p>25 answer that question as to -- I'm guessing if there 02:01:23 Page 147</p> | <p>1 about another document that I don't think I've shown</p> <p>2 you yet. This is going to be ICON0074454 through 55.</p> <p>3 THE WITNESS: So it will be Exhibit 770?</p> <p>4 MR. REDDINGTON: Exhibit 770, yep.</p> <p>5 (Exhibit 770 was marked for identification 02:03:28</p> <p>6 by the court reporter and is attached hereto.)</p> <p>7 BY MR. REDDINGTON:</p> <p>8 Q All right. And if you want to take a minute</p> <p>9 to read it, I -- I'm -- I'm just going to point you to</p> <p>10 certain places and ask you what they mean. 02:03:42</p> <p>11 This was another document that I believe was</p> <p>12 just recently produced.</p> <p>13 MR. REDDINGTON: And, for the record, this one</p> <p>14 is also marked highly confidential.</p> <p>15 THE WITNESS: Okay. I read it. 02:04:38</p> <p>16 BY MR. REDDINGTON:</p> <p>17 Q Okay. So in the first paragraph --</p> <p>18 A In general.</p> <p>19 Q Understood. The first paragraph talks about</p> <p>20 making excellent project [sic] on The Icon Panorama 02:04:47</p> <p>21 plans and designs, submitting plans to the City early</p> <p>22 next year, and then it gives a description of the --</p> <p>23 the project, I guess, as it's intended in the future.</p> <p>24 So has -- is the -- is the current intent to</p> <p>25 build the project consistent with described here in 02:05:07 Page 149</p> |

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| <p>1 communications with Mr. Feldman to you and you to</p> <p>2 Mr. Feldman related to antitrust litigation strategy;</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And then in 337, there's a -- there's an 02:43:04</p> <p>6 e-mail just between you and Mr. Ruvelson --</p> <p>7 A Uh-huh.</p> <p>8 Q -- that is also described as (as read):</p> <p>9 "Email providing legal advice related</p> <p>10 to antitrust litigation strategy." 02:43:17</p> <p>11 Do you see that?</p> <p>12 A I do.</p> <p>13 Q Were you acting as an in-house lawyer for Icon</p> <p>14 with regard to the antitrust litigation strategy?</p> <p>15 A I was acting as an in-house coun- -- well, 02:43:30</p> <p>16 de facto in-house counsel, but I was acting as an</p> <p>17 attorney on behalf of Icon on a lot of matters,</p> <p>18 including litigation strategy related to this case.</p> <p>19 Q Okay. And when did you decide to file this</p> <p>20 lawsuit? 02:43:55</p> <p>21 MS. FELDMAN: Objection to the extent it calls</p> <p>22 for attorney-client and work product privilege.</p> <p>23 If you can answer that question without</p> <p>24 spilling any of that.</p> <p>25 THE WITNESS: I don't know if I can. 02:44:11</p> <p style="text-align: right;">Page 170</p> | <p>1 Q And so would all the entities for which you</p> <p>2 act as an in-house or de facto attorney be entities</p> <p>3 that you -- that you own or control?</p> <p>4 MS. FELDMAN: And to clarify, for "you," it's</p> <p>5 Mr. Fields, not Icon? 02:46:02</p> <p>6 MR. REDDINGTON: Well, yeah, obviously Icon --</p> <p>7 MS. FELDMAN: Okay. Yeah.</p> <p>8 MR. REDDINGTON: -- is not an attorney. So</p> <p>9 I'm asking --</p> <p>10 MS. FELDMAN: Well, yeah. 02:46:07</p> <p>11 MR. REDDINGTON: -- in his person- --</p> <p>12 MS. FELDMAN: Okay.</p> <p>13 THE WITNESS: So the entities that I own or</p> <p>14 control, do I act as counsel representing those</p> <p>15 entities in numerous matters, I guess, is the question? 02:46:18</p> <p>16 BY MR. REDDINGTON:</p> <p>17 Q Well, no. I -- I think I was ask- -- I mean,</p> <p>18 you're welcome to answer that -- that question, too,</p> <p>19 but I --</p> <p>20 A No, but please -- 02:46:30</p> <p>21 Q -- was answering -- answering it -- asking it</p> <p>22 slightly different.</p> <p>23 I'm -- I -- I asked you about being an</p> <p>24 attorney for Icon, and you told me about that.</p> <p>25 I asked you if you were an attorney for any 02:46:37</p> <p style="text-align: right;">Page 172</p> |
| <p>1 BY MR. REDDINGTON:</p> <p>2 Q Well, I'm just asking for a date. I'm not</p> <p>3 asking for any -- any advice or strategy.</p> <p>4 MS. FELDMAN: Well, a date can be strategy.</p> <p>5 THE WITNESS: I -- I don't recall the exact 02:44:27</p> <p>6 date. Sorry.</p> <p>7 BY MR. REDDINGTON:</p> <p>8 Q No worries.</p> <p>9 But it appears that at least by June of 2018,</p> <p>10 you were neither getting or giving legal advice related 02:44:38</p> <p>11 to the antitrust litigation strategy; is that right?</p> <p>12 MS. FELDMAN: To the extent it calls for some</p> <p>13 sort of attorney-client or work product privilege.</p> <p>14 THE WITNESS: That -- it appears that way,</p> <p>15 yes. 02:44:52</p> <p>16 BY MR. REDDINGTON:</p> <p>17 Q Okay. Do you act as -- as an in-house or</p> <p>18 de facto attorney for any entities besides Icon?</p> <p>19 A I do.</p> <p>20 Q And what are the other entities? 02:45:06</p> <p>21 A I think I -- I may have mentioned this in the</p> <p>22 last deposition. Fields Holdings, which is my entity,</p> <p>23 of which I'm principal. And then any other special</p> <p>24 purpose entities that I own that I develop myself as</p> <p>25 well. 02:45:39</p> <p style="text-align: right;">Page 171</p> | <p>1 other entities, and you mentioned some of the other</p> <p>2 entities that you have some sort of interest ownership</p> <p>3 or controlling interest in.</p> <p>4 And what I'm asking you is, do you act as a</p> <p>5 de facto or in-house attorney for any entities other 02:46:50</p> <p>6 than the ones that you have some sort of ownership or</p> <p>7 controlling interest in?</p> <p>8 A Okay.</p> <p>9 MS. FELDMAN: Object as to vague.</p> <p>10 THE WITNESS: No. 02:47:03</p> <p>11 MR. REDDINGTON: Okay.</p> <p>12 THE WITNESS: I do not.</p> <p>13 BY MR. REDDINGTON:</p> <p>14 Q Now, you never told Mr. Langford you were an</p> <p>15 attorney; correct? 02:47:19</p> <p>16 MS. FELDMAN: Object; calls for facts not in</p> <p>17 evidence.</p> <p>18 THE WITNESS: I don't recall telling him that</p> <p>19 I was an attorney. It does come up.</p> <p>20 BY MR. REDDINGTON: 02:47:35</p> <p>21 Q Do you ever -- do you recall ever telling</p> <p>22 Mr. Diamant you were an attorney?</p> <p>23 MS. FELDMAN: Same objection.</p> <p>24 THE WITNESS: I don't recall. It doesn't mean</p> <p>25 that I didn't, but I don't recall. 02:47:42</p> <p style="text-align: right;">Page 173</p> |

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| <p>1 BY MR. REDDINGTON:</p> <p>2 Q And you knew that the Lozeau Drury firm</p> <p>3 represented the union with regard to the CEQA comments</p> <p>4 that had been submitted in the L.A. planning process;</p> <p>5 correct? 02:47:53</p> <p>6 MS. FELDMAN: Vague as to time.</p> <p>7 THE WITNESS: As it relates to the CEQA</p> <p>8 comments?</p> <p>9 MR. REDDINGTON: Yes.</p> <p>10 THE WITNESS: Yes. 02:48:00</p> <p>11 BY MR. REDDINGTON:</p> <p>12 Q You knew that as of May 2017 when Lozeau </p> <p>13 Drury found comments on behalf of the unions related to</p> <p>14 the Icon project; correct?</p> <p>15 A Did I know that the Drury represented the 02:48:13</p> <p>16 Carpenters and LIUNA as it relates to their comment</p> <p>17 letters.</p> <p>18 MS. FELDMAN: Object to the extent it calls</p> <p>19 for a legal conclusion.</p> <p>20 THE WITNESS: At that time, I'm not sure I 02:48:39</p> <p>21 knew the exact relationship and how it all worked. I'm</p> <p>22 learning now, but -- so I'm not sure I can necessarily</p> <p>23 answer that with a totally definitive answer.</p> <p>24 BY MR. REDDINGTON:</p> <p>25 Q Well, and I think we talked about this at -- 02:48:51</p> <p style="text-align: right;">Page 174</p> | <p>1 Lozeau Drury to discuss the union's CEQA comments,</p> <p>2 did you?</p> <p>3 MS. FELDMAN: Same objection and calls for a</p> <p>4 legal conclusion.</p> <p>5 THE WITNESS: I don't know how to answer this 02:50:32</p> <p>6 question. No, no, just without it, there was not --</p> <p>7 our -- I don't know if we even had the right to</p> <p>8 respond -- or reach out to Drury when it came to that.</p> <p>9 This was -- those was comments to a City drafted --</p> <p>10 draft EIR and entitlements, not to us. So I don't know 02:50:52</p> <p>11 if it's even -- we were even permitted.</p> <p>12 BY MR. REDDINGTON:</p> <p>13 Q You never reached out to Lozeau Drury to</p> <p>14 discuss anything about the Carpenters; correct?</p> <p>15 A That's -- 02:51:10</p> <p>16 MS. FELDMAN: Vague as to time subject.</p> <p>17 THE WITNESS: Well, I mean, I guess indirectly</p> <p>18 through our counsel and the City --</p> <p>19 BY MR. REDDINGTON:</p> <p>20 Q I'm asking about you personally. 02:51:20</p> <p>21 A Me personally --</p> <p>22 Q Did you pers- -- did -- all right.</p> <p>23 A No, I did not.</p> <p>24 Q And you personally never reached out to Lozeau</p> <p>25 Drury to discuss the state court CEQA petition; 02:51:29</p> <p style="text-align: right;">Page 176</p> |
| <p>1 at your personal deposition. You -- you received the</p> <p>2 comment letters that Lozeau Drury filed on behalf of</p> <p>3 the unions from the City; correct?</p> <p>4 A Yes, we did.</p> <p>5 Q In fact, we may have even looked at one that 02:49:02</p> <p>6 you received in May of 2017.</p> <p>7 That would not surprise you; correct?</p> <p>8 A Correct.</p> <p>9 Q And you knew that the union was represented by</p> <p>10 an attorney in the CEQA petition; correct? 02:49:17</p> <p>11 A In the CEQA petition, yes, I think he</p> <p>12 represented both of them.</p> <p>13 Q You never reached out to Lozeau Drury to</p> <p>14 discuss the union's CEQA comments, did you?</p> <p>15 MS. FELDMAN: Object; facts not in evidence. 02:49:34</p> <p>16 THE WITNESS: That was not our -- the CEQA</p> <p>17 comments were related to the City drafting of an EIR.</p> <p>18 That is a city document that we, as developers, work</p> <p>19 on, but ultimately they certify. And it is the City</p> <p>20 who was responding to comment letters to their counsel, 02:50:08</p> <p>21 not the developer.</p> <p>22 BY MR. REDDINGTON:</p> <p>23 Q I appreciate that, but that's -- that's not</p> <p>24 exactly the question I -- I asked you.</p> <p>25 My question was, you never reached out to 02:50:20</p> <p style="text-align: right;">Page 175</p> | <p>1 correct?</p> <p>2 A Personally?</p> <p>3 Q Yes.</p> <p>4 MS. FELDMAN: Calls for a legal conclusion.</p> <p>5 THE WITNESS: That's correct. 02:51:37</p> <p>6 BY MR. REDDINGTON:</p> <p>7 Q But you did reach out to Mr. Langford to</p> <p>8 discuss the union CEQA petition; right?</p> <p>9 MS. FELDMAN: Objection; mischaracterizes</p> <p>10 testimony. 02:52:03</p> <p>11 THE WITNESS: Did I reach out to Dan Langford</p> <p>12 to discuss the CEQA petition?</p> <p>13 BY MR. REDDINGTON:</p> <p>14 Q You did; correct? You've already told me</p> <p>15 about that conversation. 02:52:17</p> <p>16 A I reached out to him to discuss the -- that I</p> <p>17 was upset at the fact that they chose to file a CEQA</p> <p>18 petition.</p> <p>19 Q And you also communicated with Mr. Diament</p> <p>20 about your displeasure about how you perceived the 02:52:34</p> <p>21 union used CEQA; correct?</p> <p>22 MS. FELDMAN: Objection; mischaracterizes</p> <p>23 testimony.</p> <p>24 THE WITNESS: That's correct.</p> <p>25 ///</p> <p style="text-align: right;">Page 177</p> |

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| <p>1 BY MR. REDDINGTON:</p> <p>2 Q Now, as an attorney, you have an ethical</p> <p>3 obligation not to engage with a represented party on</p> <p>4 the subject of that party's representation; isn't that</p> <p>5 right? 02:53:03</p> <p>6 MS. FELDMAN: Calls for a legal conclusion.</p> <p>7 THE WITNESS: I'm -- I'm not sure I understand</p> <p>8 the question. And --</p> <p>9 MR. REDDINGTON: Okay. I have no --</p> <p>10 THE WITNESS: -- I think that -- I think 02:53:24</p> <p>11 you -- we -- we -- we -- it doesn't matter. Go ahead.</p> <p>12 MR. REDDINGTON: All right. I think I'm -- I</p> <p>13 think those are all the questions, I have, Mr. Fields.</p> <p>14 Give me -- give me two minutes to look at my</p> <p>15 notes. We don't even have to go off the record. And 02:53:33</p> <p>16 if so, I think -- I think we might be complete.</p> <p>17 THE WITNESS: Okay. Great.</p> <p>18 MR. REDDINGTON: All right. Is everybody</p> <p>19 still here?</p> <p>20 MS. FELDMAN: Yep, we're here. 02:55:15</p> <p>21 THE WITNESS: Yep.</p> <p>22 MR. REDDINGTON: All right. Mr. Fields, thank</p> <p>23 you for your time. It was nice to see you again.</p> <p>24 I've completed my questioning, and I pass the</p> <p>25 witness. 02:55:24</p> <p style="text-align: right;">Page 178</p> | <p>1</p> <p>2</p> <p>3</p> <p>4 I, ERAN FIELDS, do hereby declare under penalty</p> <p>5 of perjury that I have read the foregoing transcript;</p> <p>6 that I have made any corrections as appear noted, in</p> <p>7 ink, initialed by me, or attached hereto; that my</p> <p>8 testimony as contained herein, as corrected, is true</p> <p>9 and correct.</p> <p>10 EXECUTED this ____ day of _____,</p> <p>11 20____, at _____,</p> <p style="text-align: center;">(City) (State)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p style="text-align: center;">ERAN FIELDS</p> <p style="text-align: center;">Volume I</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 180</p> |
| <p>1 MR. LAWRENCE: No questions from the Laborers</p> <p>2 defendants.</p> <p>3 MR. MALACHOWSKI: No questions for us, SWAPE.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 THE VIDEOGRAPHER: This concludes today's 02:55:31</p> <p>6 video-recorded deposition of the Icon at Panorama, LLC,</p> <p>7 pursuant to Rule 30(b)(6) Aaron Fields.</p> <p>8 We're off the record at 2:55 p.m.</p> <p>9 The number of media used is eight and will be</p> <p>10 retained by Veritext. 02:55:45</p> <p>11 (TIME NOTED: 2:55 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 179</p> | <p>1</p> <p>2</p> <p>3 I, the undersigned, a Certified Shorthand</p> <p>4 Reporter of the State of California, do hereby certify:</p> <p>5 That the foregoing proceedings were taken</p> <p>6 before me at the time and place herein set forth; that</p> <p>7 any witnesses in the foregoing proceedings, prior to</p> <p>8 testifying, were placed under oath; that a record of</p> <p>9 the proceedings was made by me using machine shorthand</p> <p>10 which was thereafter transcribed under my direction;</p> <p>11 further, that the foregoing is an accurate</p> <p>12 transcription thereof.</p> <p>13 I further certify that I am neither financially</p> <p>14 interested in the action nor a relative or employee of</p> <p>15 any attorney of any of the parties.</p> <p>16 IN WITNESS WHEREOF, I have this date subscribed</p> <p>17 my name.</p> <p>18</p> <p>19 Dated: October 26, 2023</p> <p>20</p> <p>21</p> <p>22</p> <p style="text-align: center;"></p> <p style="text-align: center;">ALEXIS KAGAY</p> <p style="text-align: center;">CSR NO. 13795</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 181</p> |